

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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MAGNA ELECTRONICS INC.	)	
	)	
Plaintiff,	)	Civil Action No. 1:13-cv-01364
v.	)	Honorable Gordon J. Quist
	)	
TRW AUTOMOTIVE HOLDINGS CORP.;	)	
TRW AUTOMOTIVE US LLC; and	)	
TRW VEHICLE SAFETY SYSTEMS INC.	)	AMENDED COMPLAINT and
	)	JURY DEMAND
Defendants.	)	
_____	)	

AMENDED COMPLAINT

Magna Electronics Inc. hereby complains of TRW Automotive Holdings Corp., TRW Automotive US LLC, and TRW Vehicle Safety Systems Inc. and alleges as follows:

THE PARTIES

1. Magna Electronics Inc. is a corporation organized and existing under the laws of the State of Delaware, registered to do business in the State of Michigan with a registered office of 601 Abbott Road, East Lansing, MI 48823, a place of business at 2050 Auburn Road, Auburn Hills, Michigan 48326, and is doing business in this District (hereinafter “Magna” or “Plaintiff”).

2. Defendant TRW Automotive Holdings Corp. (“TRW Holdings”), upon information and belief, is a Delaware corporation registered to do business in the State of Michigan, with a registered office at 601 Abbott Road, East Lansing, MI 48823, and headquarters located in Michigan. Upon information and belief, TRW Holdings does business under various assumed names, including without limitation, TRW Automotive and TRW Global Electronics.

3. Defendant TRW Automotive US LLC (“TRW US”), upon information and belief, is a Delaware corporation registered to do business in the State of Michigan, with a registered office at 601 Abbott Road, East Lansing, MI 48823, and facilities located in the Western District of Michigan at 902 Lyons Road, Portland, MI 48875-1097. Upon information and belief, TRW US does business under various assumed names, including without limitation, TRW Automotive and TRW Westminster.

4. Defendant TRW Vehicle Safety Systems Inc. (“TRW Vehicle”), upon information and belief, is a Delaware corporation registered to do business in the State of Michigan, with a registered office at 601 Abbott Road, East Lansing, MI 48823.

5. On information and belief Defendants TRW Holdings, TRW US, and TRW Vehicle are related companies. On information and belief, TRW US and TRW Vehicle all report to TRW Holdings, either directly or indirectly, and are ultimately controlled by TRW Holdings. (The defendants are hereinafter collectively referred to as “TRW,” “Defendants TRW” or “Defendants.”)

6. Defendants TRW Holdings, TRW US, and TRW Vehicle, upon information and belief, are doing business within the State of Michigan and within the Western District of Michigan, and are engaged in continuous and systematic business within the Western District of Michigan, conduct and solicit business within this district and derive substantial revenue from the sales of their products and/or services within this district and elsewhere in Michigan, and including the commission of acts of infringement as hereinafter stated.

#### JURISDICTION AND VENUE

7. This action arises under the patent laws of the United States, Title 35 of the United States Code, §§1 et seq. This action also arises under the Federal Declaratory Judgment

Act, Title 28 of the United States Code, §§ 2201 and 2202, for a declaration pursuant to the Patent Laws of the United States, 35 U.S.C. §§1 et seq.

8. This Court has jurisdiction in this action under 28 U.S.C. §§1331 and 1338. Venue is proper in this judicial district pursuant to 28 U.S.C. §§1391 and 1400.

#### BACKGROUND ALLEGATIONS

9. On February 14, 2012 United States Letters Patent No. 8,116,929 was duly and legally issued to the predecessor in interest to Magna, as owner by assignment thereof, for an invention entitled “Imaging System for Vehicle.” A true and correct copy of United States Patent No. 8,116,929 is attached hereto as Exhibit 1 (hereinafter the “’929 Patent”).

10. On November 26, 2013 United States Letters Patent No. 8,593,521 was duly and legally issued to the predecessor in interest to Magna, as owner by assignment thereof, for an invention entitled “Imaging System for Vehicle.” A true and correct copy of United States Patent No. 8,593,521 is attached hereto as Exhibit 2 (hereinafter the “’521 Patent”).

11. On January 14, 2014 United States Letters Patent No. 8,629,768 was duly and legally issued to Magna, as owner by assignment thereof, for an invention entitled “Vehicle Vision System.” A true and correct copy of United States Patent No. 8,629,768 is attached hereto as Exhibit 3 (hereinafter the “’768 Patent”).

12. On January 28, 2014 United States Letters Patent No. 8,636,393 was duly and legally issued to Magna, as owner by assignment thereof, for an invention entitled “Driver Assistance System for Vehicle.” A true and correct copy of United States Patent No. 8,636,393 is attached hereto as Exhibit 4 (hereinafter the “’393 Patent”).

13. On January 28, 2014 United States Letters Patent No. 8,637,801 was duly and legally issued to Magna, as owner by assignment thereof, for an invention entitled “Driver

Assistance System for a Vehicle.” A true and correct copy of United States Patent No. 8,637,801 is attached hereto as Exhibit 5 (hereinafter the “’801 Patent”).

14. Magna is the owner, by valid assignment, of all right, title, and interest in and to the ‘929, ‘521, ‘768, ‘393 and ‘801 Patents, including the right to seek remedies and relief for past infringement thereof.

15. Magna has provided Notice to Defendants TRW of the ‘929, ‘521 ‘768, ‘393 and the ‘801 Patents. In addition, the filing and Notice of this action and the Complaint in this action provide actual notice to Defendants TRW of the ‘929, ‘521 ‘768, ‘393 and the ‘801 Patents. Defendants have notice of the ‘929, ‘521 ‘768, ‘393 and the ‘801 Patents.

16. An actual and justiciable controversy exists between Magna and Defendants TRW concerning whether the actions of Defendants TRW infringe, contributorily infringe and/or induce infringement of the asserted patents in suit, namely the ‘929, ‘521, ‘768, ‘393 and ‘801 Patents.

17. TRW has marketed, and upon information and belief offered for sale and sold, vision-based vehicle driver assistance systems utilizing what TRW refers as a "TRW Scalable Camera" or "S-Cam" (hereinafter referred to as the "TRW S-Cam System"). Upon information and belief, TRW S-Cam Systems include an imaging sensor and a Mobileye EyeQ™ processor accommodated into a housing. Upon information and belief, TRW has designed S-Cams to be attached (and has attached, induced others to attach and has contributed towards others attaching) at the in-cabin surface of vehicle windshields to view through an area swept by a windshield wiper.

18. Upon information and belief, TRW S-Cam Systems include an imaging sensor having a forward field of view with respect to a forward direction of travel of a vehicle equipped

with TRW's system. The imaging sensor comprises a lens and a CMOS imaging array comprising a two-dimensional array of photosensing elements. The imaging sensor captures image data representative of objects present in the forward field of view. At least one register is operable to access photosensing elements of the array of photosensing elements. The array of photosensing elements comprises a plurality of sub-arrays, each having at least three neighboring photosensing elements. At least one photosensing element of each sub-array comprises a red light sensitive photosensing element and at least one other photosensing element of each sub-array comprises a white light sensitive photosensing element. A control is responsive to the imaging sensor and processes image data captured by the imaging sensor to determine an object present in the forward field of view. The control processes image data captured by the imaging sensor to determine a distance between the equipped vehicle and the object determined present in the forward field of view. The control discerns if the determined object is an oncoming vehicle or a leading vehicle at least in part in response to rate of approach of the determined object to the equipped vehicle. Upon information and belief, TRW S-Cam Systems include a lens and infra-red (IR) filtering.

19. Upon information and belief, TRW S-Cam Systems detect and recognize objects in a forward field of view, examples of which include one or more of headlights, taillights, lane markings, traffic signs and other objects forward of a vehicle. TRW S-Cam Systems provide control for one or more of lane departure warning, forward collision warning, automatic high-beam headlight control and other features.

20. Upon information and belief, TRW S-Cam Systems include an imaging sensor comprising a two-dimensional array of photosensor elements that monitors a scene forward of the direction of travel of an equipped vehicle. A control processes image data captured by the

imaging sensor to determine the presence of an object of interest in the monitored scene, the object of interest selected from the group consisting of (i) a headlight of another vehicle and (ii) a taillight of another vehicle. The control adjusts a vehicle headlamp of the equipped vehicle at least in part responsive to determination of the presence of the object of interest. The control receives vehicle data via a communication bus of the equipped vehicle, the vehicle data comprising at least one of (i) vehicle speed data and (ii) vehicle trajectory data. At least in part responsive to receiving vehicle data via the communication bus, the control inhibits adjustment of the vehicle headlamp from a first beam state to a second beam state. The control is operable to process captured image data to determine the presence of lane markers in the monitored scene.

21. Upon information and belief, TRW S-Cam Systems include a control that comprises image processing that, at least in part responsive to processing of captured image data, determines whether the vehicle equipped with an S-Cam System is being operated in an urban environment. Responsive to a determination that the equipped vehicle is being operated in an urban environment, operation of a drive assistance function of the equipped vehicle is inhibited, by way of example switching a headlamp to a high-beam state being inhibited.

22. Upon information and belief, TRW S-Cam Systems which TRW designate as S-Cam 3 using Mobileye's EyeQ3 technology include CMOS photosensor arrays that are operable to capture multiple frames of image data in repeating frame sets of at least two frames per frame set. The TRW S-Cam 3 System includes a control that in response to processing of imager information provides an intelligent headlamp control feature and a lane departure warning feature, with only one frame of a particular frame set processed for the intelligent headlamp control feature and at least one frame of the particular frame set is processed for the lane departure warning feature.

23. Upon information and belief, TRW S-Cam includes a control that in response to processing of captured image data distinguishes an object present in the field of view of the TRW S-Cam imager from a shadow, and in response to processing of captured image data determines an object of interest in the field of view.

24. Upon information and belief, TRW has installed and utilizes TRW S-Cam Systems in one or more vehicles to develop and establish the operability of TRW S-Cam Systems and for purposes of offering for sale and sale of TRW S-Cam Systems, including TRW S-Cam 3 and TRW S-Cam prior to S-Cam 3. Upon information and belief, at least one customer of TRW has entered into an agreement with TRW to purchase TRW S-Cam Systems adapted to vehicles of said customer, and said customer has installed one or more TRW S-Cam Systems into vehicles and tested systems for purposes of engaging in sales to end users of vehicles equipped with TRW S-Cam Systems, such customer including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles. Regarding TRW S-Cam 3 Systems, upon information and belief at least one customer of TRW (such as General Motors Corp.) has entered into an agreement with TRW to purchase TRW S-Cam 3 Systems. Upon information and belief, TRW S-Cam 3 Systems have been installed into vehicles and been tested in vehicles (such as, by way of example and without limitation, for General Motors Corp. for its program designated O2xx/E2xx/C1xx). Upon information and belief, TRW has continued, including continuing after notice, with the use of TRW S-Cam Systems, delivery of TRW S-Cam Systems and in the making of offers for sale of TRW S-Cam Systems to automobile manufacturers.

COUNT I  
Infringement of United States Patent No. 8,116,929

25. Plaintiff incorporates and reasserts paragraphs 1-24 herein by reference.

26. Defendants TRW have, on information and belief, in the past been and still are infringing United States Letters Patent 8,116,929 by making, importing, using, selling, and/or offering for sale in and to the United States products incorporating Imaging Systems for Vehicles embodying the patented invention of the '929 Patent. Upon information and belief Defendants TRW have individually and jointly combined to engage in acts of direct infringement by themselves and through agents acting in combination, such agents including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such agents including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

27. Upon information and belief, with knowledge and/or reckless disregard amounting to knowledge of the infringement by the aforesaid products of the '929 Patent, Defendants have provided Imaging Systems for Vehicles to at least one third party for use in infringement of the '929 Patent, such third parties including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such third parties including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles. Use by third parties of the aforesaid Imaging Systems for Vehicles obtained from or through Defendants TRW, upon information and belief, infringes the '929 Patent. The actions of Defendants TRW constitute inducement of infringement of United States Letters Patent No. 8,116,929, such induced infringement including for example and without limitation that of General Motors Corp. on its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW



S-Cam 3 Systems such induced infringement including for example and without limitation that of General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

28. Upon information and belief, Defendants TRW manufacture, import, sell, and/or offer to sell Imaging Systems for Vehicles and/or components thereof with knowledge and/or reckless disregard amounting to knowledge that said Imaging Systems for Vehicles and/or components thereof constitute a material part of the invention of the '929 Patent and that are specially made or specially adapted for use in the infringement of the '929 Patent, and said Imaging Systems for Vehicles and/or components thereof are not a staple article or commodity of commerce suitable for substantial noninfringing use. The actions of Defendants TRW constitute contributory infringement of United States Letters Patent No. 8,116,929, including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof provided to and used by General Motors Corp. for its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof offers to and provided to and used by General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

29. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have been willful.

30. Despite any statement to the contrary, upon information and belief, Defendants TRW will continue to infringe, contributorily infringe and induce the infringement of the '929 Patent unless enjoined by this Court.

31. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have resulted in damage to Plaintiff and will continue to do so unless enjoined by this Court.

32. Plaintiff has no adequate remedy at law, and is, therefore, entitled to a permanent injunction prohibiting further infringement by Defendants.

33. Plaintiff has been damaged by past activities of Defendants, and is entitled to damages for past infringement, contributory infringement and inducement of infringement.

34. In the alternative, Plaintiff is entitled to a declaration from the Court establishing that the actions of Defendants TRW are infringing, contributorily infringing, and inducing infringement of the '929 Patent.

COUNT II  
Infringement of United States Patent No. 8,593,521

35. Plaintiff incorporates and reasserts paragraphs 1-34 herein by reference.

36. Defendants TRW have, on information and belief, in the past been and still are infringing United States Letters Patent 8,593,521 by making, importing, using, selling, and/or offering for sale in and to the United States products incorporating Imaging Systems for Vehicles embodying the patented invention of the '521 Patent. Upon information and belief Defendants TRW have individually and jointly combined to engage in acts of direct infringement by themselves and through agents acting in combination, such agents including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

37. Upon information and belief, with knowledge and/or reckless disregard amounting to knowledge of the infringement by the aforesaid products of the '521 Patent, Defendants have provided Imaging Systems for Vehicles to at least one third party for use in infringement of the '521 Patent, such third parties including for example and without limitation,

General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles. Use by third parties of the aforesaid Imaging Systems for Vehicles obtained from or through Defendants TRW, upon information and belief, infringes the '521 Patent. The actions of Defendants TRW constitute inducement of infringement of United States Letters Patent No. 8,593,521, such induced infringement including for example and without limitation that of General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

38. Upon information and belief, Defendants TRW manufacture, import, sell, and/or offer to sell Imaging Systems for Vehicles and/or components thereof with knowledge and/or reckless disregard amounting to knowledge that said Imaging Systems for Vehicles and/or components thereof constitute a material part of the invention of the '521 Patent and that are specially made or specially adapted for use in the infringement of the '521 Patent, and said Imaging Systems for Vehicles and/or components thereof are not a staple article or commodity of commerce suitable for substantial noninfringing use. The actions of Defendants TRW constitute contributory infringement of United States Letters Patent No. 8,593,521, including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof provided to and used by General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

39. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have been willful.

40. Despite any statement to the contrary, upon information and belief, Defendants TRW will continue to infringe, contributorily infringe and induce the infringement of the '521 Patent unless enjoined by this Court.

41. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have resulted in damage to Plaintiff and will continue to do so unless enjoined by this Court.

42. Plaintiff has no adequate remedy at law, and is, therefore, entitled to a permanent injunction prohibiting further infringement by Defendants.

43. Plaintiff has been damaged by past activities of Defendants, and is entitled to damages for past infringement, contributory infringement and inducement of infringement.

44. In the alternative, Plaintiff is entitled to a declaration from the Court establishing that the actions of Defendants TRW are infringing, contributorily infringing, and inducing infringement of the '521 Patent.

COUNT III  
Infringement of United States Patent No. 8,629,768

45. Plaintiff incorporates and reasserts paragraphs 1-44 herein by reference.

46. Defendants TRW have, on information and belief, in the past been and still are infringing United States Letters Patent 8,629,768 by making, importing, using, selling, and/or offering for sale in and to the United States products incorporating Vehicle Vision Systems embodying the patented invention of the '768 Patent. Upon information and belief Defendants TRW have individually and jointly combined to engage in acts of direct infringement by themselves and through agents acting in combination, such agents including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such agents including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

47. Upon information and belief, with knowledge and/or reckless disregard amounting to knowledge of the infringement by the aforesaid products of the '768 Patent, Defendants have provided Vehicle Vision Systems to at least one third party for use in infringement of the '768 Patent, such third parties including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such third parties including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles. Use by third parties of the aforesaid Vehicle Vision Systems obtained from or through Defendants TRW, upon information and belief, infringes the '768 Patent. The actions of Defendants TRW constitute inducement of infringement of United States Letters Patent No. 8,629,768, such induced infringement including for example and without limitation that of General Motors Corp. on its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such induced infringement including for example and without limitation that of General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

48. Upon information and belief, Defendants TRW manufacture, import, sell, and/or offer to sell Vehicle Vision Systems and/or components thereof with knowledge and/or reckless disregard amounting to knowledge that said Vehicle Vision Systems and/or components thereof constitute a material part of the invention of the '768 Patent and that are specially made or specially adapted for use in the infringement of the '768 Patent, and said Vehicle Vision Systems and/or components thereof are not a staple article or commodity of commerce suitable for substantial noninfringing use. The actions of Defendants TRW constitute contributory infringement of United States Letters Patent No. 8,629,768, including for example and without

limitation contributory infringement by imaging systems for vehicles and/or components thereof provided to and used by General Motors Corp. for its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof offers to and provided to and used by General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

49. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have been willful.

50. Despite any statement to the contrary, upon information and belief, Defendants TRW will continue to infringe, contributorily infringe and induce the infringement of the '768 Patent unless enjoined by this Court.

51. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have resulted in damage to Plaintiff and will continue to do so unless enjoined by this Court.

52. Plaintiff has no adequate remedy at law, and is, therefore, entitled to a permanent injunction prohibiting further infringement by Defendants.

53. Plaintiff has been damaged by past activities of Defendants, and is entitled to damages for past infringement, contributory infringement and inducement of infringement.

54. In the alternative, Plaintiff is entitled to a declaration from the Court establishing that the actions of Defendants TRW are infringing, contributorily infringing, and inducing infringement of the '768 Patent.

COUNT IV  
Infringement of United States Patent No. 8,636,393

55. Plaintiff incorporates and reasserts paragraphs 1-54 herein by reference.

56. Defendants TRW have, on information and belief, in the past been and still are infringing United States Letters Patent 8,636,393 by making, importing, using, selling, and/or offering for sale in and to the United States products incorporating Driver Assistance Systems for Vehicles embodying the patented invention of the '393 Patent. Upon information and belief Defendants TRW have individually and jointly combined to engage in acts of direct infringement by themselves and through agents acting in combination, such agents including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such agents including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

57. Upon information and belief, with knowledge and/or reckless disregard amounting to knowledge of the infringement by the aforesaid products of the '393 Patent, Defendants have provided Driver Assistance Systems for Vehicles to at least one third party for use in infringement of the '393 Patent, such third parties including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such third parties including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles. Use by third parties of the aforesaid Driver Assistance Systems for Vehicles obtained from or through Defendants TRW, upon information and belief, infringes the '393 Patent. The actions of Defendants TRW constitute inducement of infringement of United States Letters Patent No. 8,636,393, such induced infringement including for example and without limitation that of General Motors Corp. on its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014

Sierra vehicles, and regarding the TRW S-Cam 3 Systems such induced infringement including for example and without limitation that of General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

58. Upon information and belief, Defendants TRW manufacture, import, sell, and/or offer to sell Driver Assistance Systems for Vehicles and/or components thereof with knowledge and/or reckless disregard amounting to knowledge that said Driver Assistance Systems for Vehicles and/or components thereof constitute a material part of the invention of the '393 Patent, and that are specially made or specially adapted for use in the infringement of the '393 Patent, and said Driver Assistance Systems for Vehicles and/or components thereof are not a staple article or commodity of commerce suitable for substantial noninfringing use. The actions of Defendants TRW constitute contributory infringement of United States Letters Patent No. 8,636,393, including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof provided to and used by General Motors Corp. for its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof offers to and provided to and used by General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

59. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have been willful.

60. Despite any statement to the contrary, upon information and belief, Defendants TRW will continue to infringe, contributorily infringe and induce the infringement of the '393 Patent unless enjoined by this Court.



61. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have resulted in damage to Plaintiff and will continue to do so unless enjoined by this Court.

62. Plaintiff has no adequate remedy at law, and is, therefore, entitled to a permanent injunction prohibiting further infringement by Defendants.

63. Plaintiff has been damaged by past activities of Defendants, and is entitled to damages for past infringement, contributory infringement and inducement of infringement.

64. In the alternative, Plaintiff is entitled to a declaration from the Court establishing that the actions of Defendants TRW are infringing, contributorily infringing, and inducing infringement of the '393 Patent.

COUNT V  
Infringement of United States Patent No. 8,637,801

65. Plaintiff incorporates and reasserts paragraphs 1-64 herein by reference.

66. Defendants TRW have, on information and belief, in the past been and still are infringing United States Letters Patent 8,637,801 by making, importing, using, selling, and/or offering for sale in and to the United States products incorporating Driver Assistance Systems for A Vehicle embodying the patented invention of the '801 Patent. Upon information and belief Defendants TRW have individually and jointly combined to engage in acts of direct infringement by themselves and through agents acting in combination, such agents including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such agents including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

67. Upon information and belief, with knowledge and/or reckless disregard amounting to knowledge of the infringement by the aforesaid products of the '801 Patent, Defendants have provided Driver Assistance Systems for A Vehicle to at least one third party for use in infringement of the '801 Patent, such third parties including for example and without limitation, General Motors Corp. for its K2xx vehicles, including for example and without limitation the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such third parties including for example and without limitation, General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles. Use by third parties of the aforesaid Driver Assistance Systems for A Vehicle obtained from or through Defendants TRW, upon information and belief, infringes the '801 Patent. The actions of Defendants TRW constitute inducement of infringement of United States Letters Patent No. 8,637,801, such induced infringement including for example and without limitation that of General Motors Corp. on its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems such induced infringement including for example and without limitation that of General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

68. Upon information and belief, Defendants TRW manufacture, import, sell, and/or offer to sell Driver Assistance Systems for A Vehicle and/or components thereof with knowledge and/or reckless disregard amounting to knowledge that said Driver Assistance Systems for A Vehicle and/or components thereof constitute a material part of the invention of the '801 Patent and that are specially made or specially adapted for use in the infringement of the '801 Patent, and said Driver Assistance Systems for A Vehicle and/or components thereof are not a staple article or commodity of commerce suitable for substantial noninfringing use. The actions

of Defendants TRW constitute contributory infringement of United States Letters Patent No. 8,637,801, including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof provided to and used by General Motors Corp. for its K2xx vehicles, including for example and without limitation on the 2014 Silverado and 2014 Sierra vehicles, and regarding the TRW S-Cam 3 Systems including for example and without limitation contributory infringement by imaging systems for vehicles and/or components thereof offers to and provided to and used by General Motors Corp. for its program designation O2xx/E2xx/C1xx vehicles.

69. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have been willful.

70. Despite any statement to the contrary, upon information and belief, Defendants TRW will continue to infringe, contributorily infringe and induce the infringement of the '801 Patent unless enjoined by this Court.

71. Upon information and belief, Defendants' infringement, contributory infringement, and inducement of infringement have resulted in damage to Plaintiff and will continue to do so unless enjoined by this Court.

72. Plaintiff has no adequate remedy at law, and is, therefore, entitled to a permanent injunction prohibiting further infringement by Defendants.

73. Plaintiff has been damaged by past activities of Defendants, and is entitled to damages for past infringement, contributory infringement and inducement of infringement.

74. In the alternative, Plaintiff is entitled to a declaration from the Court establishing that the actions of Defendants TRW are infringing, contributorily infringing, and inducing infringement of the '801 Patent.

WHEREFORE, Plaintiff Magna demands that judgment be entered in its favor against Defendants TRW, as follows:

A. Entering an order determining and/or declaring that Defendants TRW, and each of them, infringe, contributorily infringe and induce infringement of the '929, '521, '768, '393 and '801 Patents.

B. Permanently enjoining Defendants TRW, their officers, agents, servants, employees, attorneys, and all those persons in privity or in active concert or participation with them, and each of them, from further manufacture, importation, sale, offer for sale, and/or use of an apparatus which infringes, contributorily infringes, or induces infringement of the '929, '521, '768, '393 and/or the '801 Patents.

C. Permanently enjoining Defendants TRW, their officers, agents, servants, employees, attorneys, and all those persons in privity or in active concert or participation with it, and each of them, from further acts of infringement of the '929, '521, '768, '393 and/or the '801 Patents.

D. Ordering an accounting.

E. Awarding damages adequate to compensate Plaintiff for Defendants' infringement, contributory infringement, and inducement of infringement of the '929, '521, '768, '393 and/or the '801 Patents.

F. Increasing the damages up to three times the amount found or assessed for Defendants' willful acts of infringement.

G. Awarding prejudgment interest and costs.

H. Finding this to be an exceptional case and awarding reasonable attorney's fees to Plaintiff.

I. Such other and further relief as is necessary and appropriate.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues triable by jury in this action.

Dated: January 29, 2014

/s/ Terence J. Linn

Terence J. Linn (P-33449)

Karl Ondersma (P-68028)

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